

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNILOC USA, INC. and UNILOC
LUXEMBOURG S.A.,

Plaintiffs,

V.

SLICKEDIT INC.,

Defendant

Judge Leonard Davis

Case No. 6:12-cv-814-LED

**DEFENDANT SLICKEDIT'S
ANSWER AND COUNTERCLAIM TO
PLAINTIFF'S ORIGINAL COMPLAINT**

Defendant SlickEdit Inc. (“SlickEdit”) answers plaintiffs’ Uniloc USA, Inc. and Uniloc Luxembourg S.A.’s (“Uniloc”) Original Complaint for Patent Infringement (“Complaint”) and counterclaims as follows:

ANSWER

THE PARTIES

1. SlickEdit lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Complaint, and therefore denies them.

2. SlickEdit lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 of the Complaint, and therefore denies them.

3. SlickEdit lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Complaint, and therefore denies them.

4. SlickEdit admits that it is a North Carolina company with a principal place of business in Morrisville, North Carolina; that it may be served through its registered agent, HLG Agent LLC, 5410 Trinity Road, Suite 400, Raleigh, NC 27607; and that it has previously done business in the Eastern District of Texas. SlickEdit denies the remaining allegations contained in Paragraph 4 of the Complaint.

JURISDICTION AND VENUE

5. SlickEdit admits that the Complaint purports to bring an action for patent infringement under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, and 284-285. SlickEdit admits that this court has subject matter jurisdiction. SlickEdit denies any and all remaining allegations and/or legal conclusions contained in Paragraph 5 of the Complaint.

6. SlickEdit admits that its products are offered for sale and sold nationwide, including (in very limited amounts) in the State of Texas, and that venue is therefore proper – although SlickEdit contends that a more convenient forum exists. SlickEdit denies any and all remaining allegations and/or legal conclusions contained in Paragraph 6 of the Complaint.

7. SlickEdit admits that its products are offered for sale and sold nationwide, including (in very limited amounts) in the State of Texas, and that specific jurisdiction therefore exists. SlickEdit denies any and all the remaining allegations and/or legal conclusions contained in Paragraph 7 of the Complaint.

COUNT I
(Alleged Infringement of U.S. Patent No. 5,579,222)

8. SlickEdit's answers to paragraphs 1-7 are incorporated herein by reference.

9. SlickEdit admits that Exhibit A to the Complaint appears to be a copy of U.S. Patent No. 5,579,222 ("the '222 Patent") titled "Distributed License Administration System Using A Local Policy Server To Communicate With A License Server And Control Execution Of Computer Programs." SlickEdit lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 9 of the Complaint, and therefore denies them.

10. SlickEdit lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 10 of the Complaint, and therefore denies them.

11. Denied.

12. Denied.

13. Denied.

PRAYER FOR RELIEF

14. SlickEdit denies that Uniloc is entitled to the relief requested in the Complaint. To the extent that any statement in the Prayer for Relief is deemed factual, it is denied.

AFFIRMATIVE DEFENSES

Further answering the Complaint, SlickEdit asserts the following affirmative defenses, without assuming the burden of proof where such burden would otherwise be on the plaintiff. SlickEdit reserves the right to assert additional defenses as further information is obtained.

FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim)

15. The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE
(Invalidity)

16. The claims of the '222 Patent are invalid and/or void for failure to satisfy one of more of the requirements for patentability set forth in Title 35 of the United States Code, including without limitation 35 U.S.C. §§ 101, 102, 103, and 112.

THIRD AFFIRMATIVE DEFENSE
(Prosecution History Estoppel and Disclaimer)

17. Uniloc is estopped from asserting its infringement claims against SlickEdit under the doctrines of prosecution history estoppel and/or prosecution disclaimer.

FOURTH AFFIRMATIVE DEFENSE
(Laches)

18. Uniloc's claims against SlickEdit are barred, in whole or in part, by the doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE
(Limitation of Damages and Recovery)

19. Pursuant to the requirements of 35 U.S.C. §§ 287, plaintiffs' ability to recover damages and/or costs is limited.

COUNTERCLAIM

Defendant SlickEdit states its Counterclaim against plaintiff Uniloc as follows:

PARTIES

1. SlickEdit is a North Carolina company with a principal place of business at 3000 Aerial Center Parkway, Suite 120, Morrisville, NC 27560.

2. In the Complaint, Uniloc USA, Inc. asserts that it is a Texas corporation with its headquarters and principal place of business in Plano, Texas.

3. In the Complaint, Uniloc Luxembourg S.A. asserts that it is a corporation organized and existing under the laws of Luxembourg with its principal place of business in Luxembourg.

JURISDICTION AND VENUE

4. This is a counterclaim for declaratory judgment in which there is a case or controversy relating to whether SlickEdit infringes the '222 Patent and whether one or more claims of the '222 Patent are invalid and/or void. This counterclaim arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

6. This Court has personal jurisdiction pursuant to the Complaint and plaintiff Uniloc USA's presence in this District.

7. Venue is proper pursuant to 28 U.S.C. § 1391 and 1400(b). SlickEdit reserves its right to seek transfer to a more appropriate venue under 28 U.S.C. § 1404.

STATEMENT OF FACTS

8. Uniloc has sued SlickEdit alleging that SlickEdit infringes one or more claims of the '222 Patent.

9. SlickEdit denies infringement and alleges that one or more claims of the '222 Patent are invalid and/or void under 35 U.S.C. §§ 101, 102, 103 and/or 112.

FIRST COUNTERCLAIM (Declaratory Judgment of Non-Infringement and Invalidity of the '222 Patent)

10. SlickEdit repeats and realleges paragraphs 1-9 of its Counterclaim as if set forth fully herein.

11. An actual and justiciable controversy exists between Uniloc and SlickEdit as to the infringement and validity of the claims of the '222 Patent.

12. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*, SlickEdit is entitled to a declaration from this Court that the '222 Patent is not infringed by any SlickEdit product, service, or process and that every claim of the '222 Patent is invalid.

PRAYER FOR RELIEF

WHEREFORE, SlickEdit respectfully requests that the Court:

- A. Enter a declaratory judgment that the '222 Patent, and each and every asserted claim thereof, is invalid and not infringed;
- B. Dismiss Uniloc's Complaint with prejudice, granting Uniloc nothing;
- C. Award SlickEdit reasonable attorneys' fees pursuant to 35 U.S.C. § 285 and/or other applicable authority; and
- D. Awarded such other relief as the Court deems appropriate.

Respectfully submitted,

SLICKEDIT INC.

By its attorneys,

/s/ Timothy R. Shannon
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Dated: January 7, 2013

CERTIFICATE OF SERVICE

I, Timothy R. Shannon, hereby certify that on January 7, 2013, I caused a true and accurate copy of this document to be served on counsel for the plaintiffs:

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